

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No. 99-80716

ANTHONY PITTS,

Defendant.

**OPINION AND ORDER DENYING MOTION TO REDUCE SENTENCE
PURSUANT TO 18 U.S.C. § 3582(c)(2)**

This matter is before the court on Defendant Anthony Pitts's motion to reduce his sentence pursuant to 18 U.S.C. § 3582(c)(2). Defendant argues that his sentence of 188 months' imprisonment should be reduced because the Fair Sentencing Act of 2010 reduced the criminal penalty for possession of cocaine base. Section 3582(c)(2) allows the court to modify Defendant's sentence if his sentencing range has subsequently been lowered by the Sentencing Commission. However, although the Fair Sentencing Act decreased the sentencing guidelines for possession of cocaine base, Defendant was sentenced pursuant to the career offender provisions of § 4B1.1. These provisions were not modified by the Fair Sentencing Act, and Defendant's guideline range remains the same today, 188–235 months' imprisonment, as it was when he was sentenced. Therefore, § 3582(c)(2) does not apply to provide relief to Defendant. Accordingly,

IT IS ORDERED that Defendant's Motion to Reduce Sentence [Dkt. # 38] is
DENIED.

s/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: March 18, 2014

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, March 18, 2014, by electronic and/or ordinary mail.

s/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522